

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Business, Research and Economic Development*

July 2003

Members:

Sen. Lynn Bromley, Chair

Sen. Christopher G. L. Hall

Sen. Kevin L. Shorey

Rep. Nancy B. Sullivan, Chair

Rep. Lillian LaFontaine O'Brien

Rep. Guy J. Duprey, Jr.

Rep. Edward Pellon

Rep. Nancy E. Smith

Rep. Susan M. Austin

Rep. Robert A. Berube

Rep. Lawrence E. Jacobsen

Rep. Christopher Rector

Rep. William T. Rogers, Jr.

Staff:

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Business, Research and Economic Development

The bill also proposed to require the Finance Authority of Maine to adopt major substantive rules to implement the loan program, including provisions that specify the criteria for determining qualifying lenders, eligibility requirements for participation in the program by businesses, the maximum amount of loan or interest subsidy permitted under the program and the maximum term of loans allowed under the program.

Committee Amendment "A" (H-181) proposed to change the sources of funding for the Bicycling Assistance Loan Fund in the Finance Authority of Maine to allow it to be capitalized by grants, donations or other money received by the authority and any federal funds or other revenues allocated by the Legislature to the fund for those purposes. The amendment proposed that money in that fund be used to pay for the Finance Authority of Maine's costs to establish and administer the Bicycling Assistance Loan Program and for the loan interest rate subsidies necessary to provide zero-interest loans to qualifying businesses.

The amendment proposed to prohibit the authority from incurring any eligible costs for program implementation or loan subsidies unless the authority first determines that sufficient funds exist in the fund or the Fund for a Healthy Maine to pay those costs, except that the authority may not charge more than \$50,000 in eligible costs to the Fund for a Healthy Maine.

LD 848 **An Act To Establish a Circuit Breaker Program for Fuel Assistance** **ONTP**

<u>Sponsor(s)</u> CRESSEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 848 proposed to create the Maine Heating Fuel Assistance Program to provide reimbursement for heating fuel costs to taxpayers. Under the proposed bill, the Maine Heating Fuel Assistance Program would have been administered by the Maine State Housing Authority.

LD 887 **An Act To Amend the Maine "Lemon Law"** **PUBLIC 337**

<u>Sponsor(s)</u> MCKEE TREAT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-382
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LD 887 proposed to eliminate the laws that allow automobile manufacturers or their agents or dealers to deduct an allowance for mileage from the amount refunded to an automobile owner who qualifies for a refund under the State's "lemon law."

The bill also proposed to increase from one to five the number of arbitrators that must be involved in a "lemon law" arbitration process and to require that those arbitrators include a new car dealer, someone experienced in automobile mechanics and three public members.

The bill also proposed to add a provision to the criteria that establish when an automobile qualifies under the "lemon law" that states that an automobile qualifies if it has multiple problems that have not been successfully repaired after the vehicle has been out of service for 15 or more business days within the warranty term.

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Committee Amendment "A" (H-382) proposed to replace the bill. The amendment, which incorporates many changes to the Maine "Lemon Law" proposed by the Maine Office of the Attorney General in LR 1844 (which was not printed as an LD), proposed to amend the Maine "Lemon Law" by:

1. Expanding the term of protection under the lemon law from 2 to 3 years, the warranty period or 18,000 miles of operation, whichever occurs earliest;
2. Allowing consumers, after one repair attempt, to claim the presumption that a reasonable number of repair attempts have been undertaken when the claimed nonconformity has resulted in a serious failure of either the braking or steering systems in the vehicle;
3. Requiring that a motor vehicle surrendered to a manufacturer as a result of a settlement under the lemon law be affixed with a notice, when that vehicle is first offered for resale to the public, stating that the vehicle was the subject of a Maine Lemon Law settlement agreement;
4. Expanding the time limit for applying for lemon law state arbitration from 2 years to 3 years or to any time before expiration of the manufacturer's express warranties, whichever occurs earlier;
5. Eliminating the requirement that 2 attempts to repair the defect or defects must be made by the same dealer; and
6. Limiting the amount that may be deducted from the refund required under the lemon law for mileage to the mileage that is reported on the application accepted by the State for lemon law arbitration and any mileage directly attributable to use by a consumer beyond 20,000 miles.

Enacted Law Summary

Public Law 2003, chapter 337 amends the State's "lemon law" by:

1. Expanding the term of protection under the lemon law from 2 to 3 years, the warranty period or 18,000 miles of operation, whichever occurs earliest;
2. Allowing consumers, after one repair attempt, to claim the presumption that a reasonable number of repair attempts have been undertaken when the claimed nonconformity has resulted in a serious failure of either the braking or steering systems in the vehicle;
3. Requiring that a motor vehicle surrendered to a manufacturer as a result of a settlement under the lemon law be affixed with a notice, when that vehicle is first offered for resale to the public, stating that the vehicle was the subject of a Maine Lemon Law settlement agreement;
4. Expanding the time limit for applying for lemon law state arbitration from 2 years to 3 years or to any time before expiration of the manufacturer's express warranties, whichever occurs earlier;
5. Eliminating the requirement that 2 attempts to repair the defect or defects must be made by the same dealer; and
6. Limiting the amount that may be deducted from the refund required under the lemon law for mileage to the mileage that is reported on the application accepted by the State for lemon law arbitration and any mileage directly attributable to use by a consumer beyond 20,000 miles.